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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 PAUL LEWIS,

10 Petitioner,

Case No. C19-0095-JCC-JPD

11 v.

12 MICHAEL OBENLAND,

13 Respondent.

ORDER DENYING PETITIONER'S
MOTION FOR INQUIRY

14 This is a federal habeas action brought under 28 U.S.C. § 2254. This matter comes before
15 the Court at the present time on Petitioner's "Motion for Inquiry and Order Compliance to the
16 Court Order." (Dkt. # 14.) In his motion, Petitioner questions why Respondent has yet to comply
17 with this Court's March 27, 2019 Order directing him to file an answer to Petitioner's federal
18 habeas petition within 45 days. (*Id.*) Petitioner asks that Respondent be sanctioned and that the
19 Court decide the case without an answer if Respondent cannot establish good cause for his
20 failure to respond. (*Id.*)

21 Petitioner is correct that on March 27, 2019, this Court issued an Order directing that
22 Petitioner's federal habeas petition be served on Respondent and that Respondent file an answer
23 to the petition within 45 days. (Dkt. #12.) When the Court did not receive a response by the

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1 established deadline, it reviewed its own records and determined that Respondent had apparently
2 never received service. Thus, on May 20, 2019, this Court issued a second Order directing
3 service and calling for an answer within 45 days. (Dkt. # 13.) Counsel has now appeared on
4 behalf of Respondent indicating that service has been received. While it is unfortunate this
5 matter was delayed, it is not clear that the delay was attributable to Respondent. The Court
6 therefore declines to impose sanctions on Respondent or to decide the case without Respondent's
7 answer.

8 Based on the foregoing, the Court hereby ORDERS as follows:

9 (1) Petitioner's motion for inquiry (Dkt. # 14) is DENIED.

10 (2) The Clerk shall send copies of this Order to Petitioner, to counsel for Respondent,
11 and to the Honorable John C. Coughenour.

12 DATED this 19th day of June, 2019.

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15 MICHELLE L. PETERSON
16 United States Magistrate Judge
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